IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MS JUSTICE G.ROHINI
WRIT PETITION NO : 16905 of 2004

Between:
Sunkara Venkata Durga Rayudu, S/o Ramanna,
R/o Jainavarigudem Village, Buttaigudem Mandal.
..... PETITIONER

AND

1 The Station House Officer, Buttaigudem, West Godavari District.
2 The Mandal Revenue Officer, Buttaigudem.
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly in the nature of Writ of Mandamus declaring the action of the first respondent not providing the protection whenever required to the lands of Ac. 8-90 cents in R.S.No. 370 situated at Ganapavaram village, ignoring the letter of 2nd respondent, is illegal, arbitrary and violative of principles of natural justice, and consequently directing the first respondent to initiate necessary action against the tribals of Ganapavaram village,

Counsel for the Petitioner: MR.NARAM.NAGESWARA RAO

Counsel for the Respondents: GP FOR HOME

The Court made the following :

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ORDER:

Heard the learned counsel for the petitioner and learned Government Pleader for Home appearing for respondents.

Petitioner claims to be the owner and possessor of the agricultural land to an extent of Ac.8-90 cents situated in R.S.No.370 at Ganapavaram village of Buttaigudem Mandal, West Godavari District, which is a scheduled area. It is alleged that in view of the interference by the tribals with the possession and enjoyment of his land and since they have been making attempts to dispossess him from the land in question, he made a complaint before the 1st respondent – Station House Officer and the second respondent- Mandal Revenue Officer, Buttaigudem to protect his lands from the tribals. The second respondent-Mandal Revenue Officer, Buttaigudem having verified the available records, by letter dated 16.08.2004 informed the first respondent-Station House Officer, Buttaigudem that the petitioner is the owner of the land in question and therefore, necessary protection may be granted to the said lands. The grievance of the petitioner is that in spite of the said report given by the second respondent-Mandal Revenue Officer, Buttaigudem, the first respondent-Station House Officer, Buttaigudem has not provided necessary protection as sought by him. Hence, this writ petition seeking declaration that the inaction on the part of the first respondent-Station House Officer, Buttaigudem is arbitrary and illegal.

As can be seen from the material on record, the Mandal Revenue Officer, Buttaigudem by letter, dated 16.08.2004 declared

that the petitioner is the owner of the land in question. If that be so, the first respondent is required to take necessary steps following due process of law.

Accordingly, I deem it appropriate to dispose of the writ petition with a direction to the first respondent-Station House Officer, Buttaigudem to consider the complaint of the petitioner dated 16-08-2004 and to take appropriate action on the basis of the status report furnished by the Mandal Revenue Officer, dated 16.08.2004 as expeditiously as possible, preferably within a period of two weeks from the date of receipt of this order.

Accordingly, writ petition is disposed of. No costs.

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22-09-2004

Note: Issue C.C.in three days
B/o
Klp

To

1 The Station House Officer, Buttaigudem, West Godavari District.
2 The Mandal Revenue Officer, Buttaigudem.
3 2CCs to G.P. for Home, High Court buildings, Hyderabad.(OUT).
4 2CD copies